

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CALVIN MAYS, JR., #150299,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:06v532-ID
)	(WO)
OLA B. JOHNSON, et al.,)	
)	
Defendants.)	

ORDER

Upon CONSIDERATION of the Recommendation of the Magistrate Judge, filed June 30, 2006 (Doc. No. 4), and Plaintiff's Objection, filed July 19, 2006 (Doc. No. 5), and having independently reviewed the file in this case, it is ORDERED as follows:

1. Plaintiff's Objection be and the same is hereby OVERRULED;
2. the Recommendation of the Magistrate Judge be and the same is hereby ADOPTED, APPROVED and AFFIRMED;
3. the claims arising from the issuance of the arrest warrant be and the same are DISMISSED with prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(i), as Plaintiff failed to file the complaint within the time prescribed by the applicable period of limitations;
4. to the extent the complaint challenges the validity of the felony murder conviction imposed upon Plaintiff by the Circuit Court of Montgomery County, Alabama, these claims be and the same are hereby DISMISSED pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii); and

5. this case be and the same is hereby DISMISSED prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i) and (ii).

DONE this 27th day of July, 2006.

/s/ Ira DeMent

SENIOR UNITED STATES DISTRICT JUDGE